

012204

16085

USPTO

PTO/SB/05 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032
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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

U.S.PT.O.
10/163525

012204

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

| | |
|------------------------|--------------------------|
| Attorney Docket No. | ERIK001 |
| First Inventor | ERIK DAVID FLORIO |
| Title | VIRTUAL TRAINER SOFTWARE |
| Express Mail Label No. | |

- Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- Applicant claims small entity status.
See 37 CFR 1.27.
- Specification [Total Pages 26]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings *(if filed)*
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- Drawing(s) (35 U.S.C. 113) [Total Sheets 7]
- Oath or Declaration [Total Sheets 2]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:
Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. Paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement Power of Attorney *(when there is an assignee)*
11. English Translation Document *(if applicable)*
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP) of prior application No.:

Prior application information:

Examiner _____

Art Unit: _____

For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**19. CORRESPONDENCE ADDRESS** Customer Number: _____ OR Correspondence address below

| | | | |
|----------|-----------------------------------|-----------|--------------|
| Name | Erik David Florio | | |
| Address | 444 Whispering Pines Drive, # 179 | | |
| City | Scotts Valley | State | CA |
| Country | United States of America | Telephone | 831-439-8645 |
| Zip Code | 95066 | | |
| Fax | | | |

| | | | |
|-------------------|---|-----------------------------------|--|
| Name (Print/Type) | ERIK DAVID FLORIO | Registration No. (Attorney/Agent) | |
| Signature |  | | |
| Date | 1/20/04 | | |

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

012204
16085 U.S.P.T.O.

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 466.00)
Complete if Known

| | |
|----------------------|-------------------|
| Application Number | New Application |
| Filing Date | Herewith |
| First Named Inventor | Erik David Florio |
| Examiner Name | To be Assigned |
| Art Unit | To be Assigned |
| Attorney Docket No. | ERIK001 |

METHOD OF PAYMENT (check all that apply)
 Check Credit card Money Order Other None

 Deposit Account:

| | |
|------------------------|-------|
| Deposit Account Number | _____ |
| Deposit Account Name | _____ |

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee
 to the above-identified deposit account.

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Entity | Small Entity | Fee Description | Fee Paid |
|-----------------------------------|---------------|--|------------------------|
| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | _____ |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | _____ |
| 1053 130 | 1053 130 | Non-English specification | _____ |
| 1812 2,520 | 1812 2,520 | For filing a request for ex parte reexamination | _____ |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | _____ |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | _____ |
| 1251 110 | 2251 55 | Extension for reply within first month | _____ |
| 1252 420 | 2252 210 | Extension for reply within second month | _____ |
| 1253 950 | 2253 475 | Extension for reply within third month | _____ |
| 1254 1,480 | 2254 740 | Extension for reply within fourth month | _____ |
| 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | _____ |
| 1401 330 | 2401 165 | Notice of Appeal | _____ |
| 1402 330 | 2402 165 | Filing a brief in support of an appeal | _____ |
| 1403 290 | 2403 145 | Request for oral hearing | _____ |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | _____ |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | _____ |
| 1453 1,330 | 2453 665 | Petition to revive - unintentional | _____ |
| 1501 1,330 | 2501 665 | Utility issue fee (or reissue) | _____ |
| 1502 480 | 2502 240 | Design issue fee | _____ |
| 1503 640 | 2503 320 | Plant issue fee | _____ |
| 1460 130 | 1460 130 | Petitions to the Commissioner | _____ |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(q) | _____ |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | _____ |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | _____ |
| 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | _____ |
| 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR 1.129(b)) | _____ |
| 1801 770 | 2801 385 | Request for Continued Examination (RCE) | _____ |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | _____ |
| Other fee (specify) _____ | | | |
| *Reduced by Basic Filing Fee Paid | | | SUBTOTAL (3) (\$ 0.00) |

**or number previously paid, if greater; For Reissues, see above

| (Complete if applicable) | | | |
|--------------------------|---|--------------------------------------|------------------------|
| Name (Print/Type) | Erik David Florio | Registration No. (Attorney/Agent) | Telephone 831-439-8645 |
| Signature |  | Date | 1/20/04 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO : Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

DOCKET NO. ERIK001

**REQUEST AND CERTIFICATION UNDER
35 USC 122(b)(2)(B)(i)**

| | |
|--|---|
| | First Named Inventor: Erik David Florio |
| | Title : VIRTUAL TRAINER SOFTWARE |
| | Docket Number: ERIK001 |

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application **not** be published under 35 USC 122(b).

In making this certification I understand that "the invention disclosed in the attached application" is the invention first disclosed and claimed in the attached application and not the common disclosure of a distinct invention claimed in application Serial Number Filed which is subject to foreign filing and eighteenth month publication under 35 USC 122.

Date

Signature

ERIK DAVID FLORIO
[Typed or printed name]

This request is signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this non publication request at any time. If applicant rescinds a request that an application not be published under 35 USC 122(b), the application will be scheduled for publication at eighteen months from the earliest filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. Failure to do so will result in abandonment of this application (35 USC 122(b)(2)(B)(iii)).